IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 22996 of 2004

Between:

Pulusu Gopi S/o.Subbaiah
Rudrakota Village, Kavali Mandal,
Nellore Dist.

..... PETITIONER

AND

1 The Dist Collector
Nellore Dist.
2 The Revenue Divisional Officer
Kavali, Nellore Dist.
3 The Mandal Revenue Officer
Kavali, Nellore Dist.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order writ or direction more particularly one in the nature of Writ of Mandamus, to declare the impugned notice bearing rc.B.1779/2004 dated 20-11-2004 issued by the 3rd Respondent as illegal, arbitrary, and unjust and consequently set aside the same, and pass such other order or orders.

Counsel for the Petitioner: MR.M.SREE RAMA MURTHY

Counsel for the Respondents1 to 3: G.P. FOR REVENUE

The Court at the stage of admission made the following:

O R D E R:

The Petitioner was issued a show-cause notice dated 20.11.2004, directing him to show cause as to why the assignment in his favour in relation to an agricultural land shall not be cancelled. The allegation against the petitioner is that his wife was also assigned another extent of land and that according to the relevant rules of assignment, it is impermissible to assign land to both the spouses. The petitioner challenges the same.

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

Interference with a show-cause notice in a writ petition filed under Article 226 of Constitution of India is very rare and almost exceptional. It is only when an authority who is not vested with any power issues such notice, that the Court would interfere. In the present case, it is not even alleged that the third respondent does not have jurisdiction to issue the show-cause notice. The question as to whether the allegation against the petitioner is true or not, needs to be considered in the enquiry. The petitioner can certainly explain the circumstances that led to the assignment of land in his favour. This Court is not inclined to interfere with the show-cause notice.

The writ petition is accordingly dismissed, leaving it open to the petitioner to submit his explanation. The respondent shall take the explanation into account, before

passing any final orders. It is needless to observe that the very fact that the third respondent has issued a show-cause discloses that they propose to take action after hearing the petitioner. There shall be no order as to costs.

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13th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1 The Dist Collector,
Nellore Dist.
2 The Revenue Divisional Officer,
Kavali, Nellore Dist.
3 The Mandal Revenue Officer,
Kavali, Nellore Dist.

4. Two CCs to G.P. for Revenue, High Court Buildings,

Hyderabad (OUT).

5. Two CD copies.